

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANDAV CAPITAL,  
NISHA DESAI,

*Plaintiffs,*

v.

PAYPAL HOLDINGS, INC.,  
PAYPAL VENTURES,

*Defendants.*

Case No. 1:25-cv-33-DEH

**NOTICE OF MOTION FOR RECUSAL OR DISQUALIFICATION**

Per 28 U.S.C. §455(a), Plaintiffs respectfully move for the recusal or disqualification of the Honorable Dale Ho and for reassignment to a district judge whose individual practices do not contain a racial preference. Plaintiffs filed a similar motion before Judge Torres, which the docket states was “grant[ed].” *See* Dkts.20-21. Though Judge Torres cited “the Court’s relationship with certain individuals related to this litigation,” Dkt.21 at 1, the cited “relationship” seems to be between her existing practices and the individual facts of this case; after all, she immediately changed her individual practices to eliminate the racial preference in question. *Compare Individual Rules and Practices in Civil Cases* ¶III.K, Hon. Analisa Torres, U.S.D.J. (S.D.N.Y.) (Rev. Jan. 15, 2025), [perma.cc/Y6LR-ZKX4](https://perma.cc/Y6LR-ZKX4), *with Individual Practices in Civil Cases* ¶III.K, Hon. Analisa Torres, U.S.D.J. (S.D.N.Y.) (Rev. Feb. 14, 2025), [perma.cc/2TSE-TAGN](https://perma.cc/2TSE-TAGN). In Plaintiffs’ motion to recuse Judge Torres, they asked for this case to be reassigned to a judge who does not have a similar racial preference, flagging Your Honor as the “[o]nly one other judge” in the Southern District who has one. Dkt.20-1 at 17. Because Your Honor’s practices maintain that racial preference today, Plaintiffs respectfully move for recusal once more.

Dated: February 14, 2025

Respectfully submitted,

/s/ Thomas R. McCarthy

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### **CERTIFICATE OF SERVICE**

I certify that on February 14, 2025, I e-filed this notice of motion with the Court via ECF, which will automatically email everyone who has appeared. I am also serving the foregoing by overnight delivery service to counsel for Defendants and providing a courtesy copy by email.

/s/ Thomas R. McCarthy